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SENATE BILL 569 By
Ford J

HOUSE BILL 867
By Brooks (Shelby)

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to handguns.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1301, is amended by adding the following language as a new, appropriately designated item:

(_) "Personalized handgun" means any handgun which incorporates within its design, and as part of its original manufacture, technology which automatically limits its operational use, and which cannot be readily deactivated, so that it may be fired only by an authorized or recognized user. The technology limiting the handgun's operational use may include, but not be limited to, radio tagging, touch memory, remote control, fingerprint, magnetic encoding, and other automatic user identification systems utilizing biometrics, mechanical and electronic systems.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following language as a new, appropriately designated section:

§39-17-1361.

(a) On and after the effective date of this act, no person registered or licensed by the state or federal government as a manufacturer, a wholesale dealer of firearms, an

employee of a wholesale dealer of firearms, a retail dealer of firearms, or an employee of a retail dealer of firearms, shall transport into this state, sell, expose for sale, possess with the intent of selling, assign or otherwise transfer any handgun, manufactured on or after the effective date of this act, unless such handgun is a personalized handgun and is identified as such on the list prepared and made available by the department of safety pursuant to this section.

(b) To effectuate the purposes of this act, the department of safety shall prepare and make available to registered and licensed manufacturers and dealers a list of those personalized handguns that may be transported into this state, sold, exposed for sale, possessed with the intent of selling, assigned or otherwise transferred in accordance with the provisions of subsection (a). The commissioner of safety may amend and supplement the list at such times as the commissioner deems appropriate. Registered and licensed manufacturers and dealers shall be notified forthwith of any changes in the list. The notice shall be given in a manner prescribed by the department of safety.

(c) The provisions of this act imposing limitations on the transporting, selling and transferring of certain handguns shall not apply to handguns made available for purchase by or the official use of the state and local law enforcement officers of this state; federal law enforcement officers and any other federal officers and employees required to carry firearms in the performance of their official duties; and members of the armed forces of the United States or of the national guard while actually on duty.

(d) The transporting, selling, exposing for sale, possessing for sale, assigning or transferring of a handgun exempted under the provisions of this section shall be in accordance with procedures prescribed by the department of safety.

(e) A registered or licensed manufacturer or dealer or employee thereof who violates the provisions of this section is guilty of a Class E felony.

SECTION 3. This act shall take effect on January 1, 2006. For the purpose of promulgating rules and other administrative action necessary for the implementation of this act, this act shall take effect upon becoming a law, the public welfare requiring it.